

#3

<b>DECLARATION AND POWER OF ATTORNEY FOR UTILITY OR DESIGN</b>  <b>PATENT APPLICATION</b>  <input type="checkbox"/> Declaration <input checked="" type="checkbox"/> Declaration  Submitted with      Submitted after Initial  Initial Filing      Filing (surcharge 37 CFR 1.16(e) required)	Attorney Docket No.	CYM-025
	First Named Inventor	Ostgaard
	<b>COMPLETE IF KNOWN</b>	
	Application Serial Number	09/156,952
	Filing Date	September 18, 1998
	Group Art Unit	1743
	Examiner Name	Not yet assigned

**As a below named inventor, I hereby declare that:**

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Sample Vial for Use In Preparing Cytological Specimen

*(Title of the Invention)*

the specification of which

☐ is attached hereto  
OR  
☒ was filed on 

September 18, 1998

 as United States Application Serial Number or PCT International (MM/DD/YYYY)

Application Number 

09/156,952

 and was amended on (MM/DD/YYYY)  (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below.

Application Serial Number(s)	Filing Date (MM/DD/YYYY)

☐ Additional provisional application serial numbers are listed on a supplemental priority data sheet attached hereto.

## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.: 09/156,952

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**DECLARATION - Utility or Design Patent Application**

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c), of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application or PCT Parent Serial Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet attached hereto.

As a named inventor, I hereby appoint the following registered practitioners to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: ☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label Here

Name	Registration Number	Name	Registration Number
Steven M. Bauer	31,481	Kurt W. Lockwood	40,704
Isabelle A.S. Blundell	43,321	Marianne McLaughlin	42,870
Michael H. Brodowski	41,640	Thomas C. Meyers	36,989
Joseph A. Capraro, Jr.	36,471	Edmund R. Pitcher	27,829
Jerrie L. Chiu	41,670	Kurt Rauschenbach	40,137
John J. Cotter	38,116	Michael J. Schmelzer	43,093
Jennifer L. Dupre	41,722	J. Scott Southworth	39,382
John V. Forcier	42,545	Christopher W. Stamos	35,370
Duncan A. Greenhalgh	38,678	Robert J. Tosti	35,393
William G. Guerin	41,047	Thomas A. Turano	35,722
Ira Heffan	41,059	Michael J. Twomey	38,349
Elizabeth E. Kim	43,334	Christine C. Vito	39,061
Douglas J. Kline	35,574	Patrick R.H. Waller	41,418
John D. Lanza	40,060		
Timothy P. Linkkila	40,702		

☐ Additional registered practitioners named on supplemental Registered Practitioner Information sheet attached hereto.

Direct all correspondence to: Patent Administrator  
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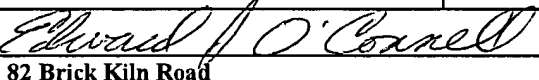
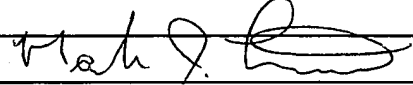
Direct all telephone calls to: Christopher W. Stamos (617) 248-7026

## Declaration and Power of Attorney for Utility or Design Patent Application

Serial No.: 09/156,952

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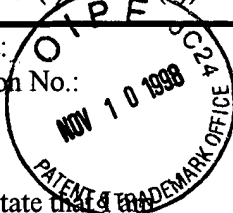
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

<b>Name of Sole or First Inventor:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])						Family Name or Surname			
Roy A.						Ostgaard			
Inventor's Signature						Date	10/8/98		
Residence	68 Vaughn Hill Road					Citizenship	U.S.		
	City	Bolton	State	MA	Zip	01740	Country	USA	
Post Office Address	Same as above								
	City		State		Zip		Country		
<input type="checkbox"/> Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) attached hereto.									
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])						Family Name or Surname			
Edward J.						O'Connell			
Inventor's Signature						Date	10/8/98		
Street Address	82 Brick Kiln Road					Citizenship	U.S.		
	City	Chelmsford	State	MA	Zip	01824	Country	USA	
Post Office Address	Same as above								
	City		State		Zip		Country		
<b>Name of Additional Joint Inventor, if any:</b>		<input type="checkbox"/> A petition has been filed for this unsigned inventor							
Given Name (first and middle [if any])						Family Name or Surname			
Mark J.						Licari			
Inventor's Signature						Date	10/8/98		
Street Address	11 Church Street					Citizenship	U.S.		
	City	Acton	State	MA	Zip	01720	Country	USA	
Post Office Address	Same as above								
	City		State		Zip		Country		

**STATEMENT CLAIMING SMALL ENTITY STATUS**  
**(37 CFR 1.9(f) & 1.27(c))-- SMALL BUSINESS CONCERN**

#4  
Attorney Docket No. CYM-025

Applicant: **Ostgaard et al.**  
Application No.: **Not yet assigned**  
Filed: **September 18, 1998**  
Title: **Sample Vial For Use In Preparing Cytological Specimen**



I hereby state that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF SMALL BUSINESS CONCERN: Cytyc Corporation.

ADDRESS OF SMALL BUSINESS CONCERN: 85 Swanson Road, Boxborough, MA 01719.

I hereby state that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d) and 13 CFR Part 121 for purposes of paying reduced fees to the United States Patent and Trademark Office, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time, or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby state that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention described in:

- ☐ the specification filed herewith with title as listed above.  
☒ the application identified above.  
☐ the patent identified above.

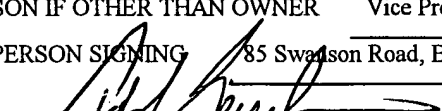
If the rights held by the above identified small business concern are not exclusive, each individual, concern, or organization having rights in the invention must file separate statements as to their status as small entities, and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization having any rights in the invention is listed below:

- ☒ no such person, concern, or organization exists.  
☐ each such person, concern, or organization is listed below.

Separate statements are required from each named person, concern or organization having rights to the invention stating their status as small entities. (37 CFR 1.27).

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

NAME OF PERSON SIGNING Ted S. Geiselman  
TITLE OF PERSON IF OTHER THAN OWNER Vice President Technical Operations  
ADDRESS OF PERSON SIGNING 85 Swanson Road, Boxborough, MA 01719  
SIGNATURE  DATE 10/14/98